IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 21999 of 2004

AND

WRIT PETITION NO : 22000 of 2004

WRIT PETITION NO : 21999 of 2004

Between:

1. Ch.Goutham Reddy, S/o.Ramchadra Reddy, General

   Manager (Executive Engineer) O&M Division-III, H.M.W.S. & S.B. Hyderabad.

2 M.Rama Mohan Reddy, S/o.Late M.Sivarami Reddy, Executive Engineer, Public Health, Tirupati, Chittoor District.

..... PETITIONERS

AND

1 T.S.Vijaya Kumar, S/o.T.R.Siva Sankar,
E.E.(General Manager) Project Division No.III, H.M.W.S & S.B.,
Hyderabad.
2 The Govt. of A.P.rep.by its Principal Secretary, Municipal Administration & U.D.Dept., Secretariat, Hyderabad.
3 The Engineer-in-Chief, Public Health, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus setting aside the order dt.17-8-2004 passed by the A.P.Administrative Tribunal in M.A.No.2398/2004 in O.A.No.1251/ 2004 as illegal, arbitrary, violation of articles 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioners: MR.C.SRINIVASA BABA

Counsel for Respondent No.1: Mr.T.Suryakaran Reddy.

Counsel for the Respondent Nos.2 and 3: GP FOR MUNCIPAL ADMN. & URBAN DEVELOPMENT.

WRIT PETITION NO : 22000 of 2004

Between:

1 Ch. Goutham Reddy, S/o. Ramachandra Reddy, General Manager (Executive Engineer) O & M Division-III, H.M.W.S & S.B. Hyderabad.
2 M. Rama Mohan Reddy, S/o. Late M. Sivarami Reddy, Executive Engineer, Public Health, Tirupathi, Chittoor District.

..... PETITIONERS

AND

1 K. Suresh Kumar, S/o. Buchiramulu, Executive Engineer, O & M division No.8, H.M.W.S. & S.B. Hyderabad.
2 The Government of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration & Urban Development Department, Secretariat, Hyderabad.
3 The Engineer-in-Chief, Public Health, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus setting aside the Order Dated 17-8-2004 passed by the A.P. Admn. Tribunal in M.A.No. 2401/2004 in O.A.No. 1242/2004 as illegal, arbitrary, violation of articles 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioners: MR.C.SRINIVASA BABA

Counsel for Respondent No.1: Mr.T.Suryakaran Reddy

Counsel for the Respondent Nos.2 and 3: GP FOR MUNCIPAL ADMN. & URBAN DEVELOPMENT.

The Court made the following:

-

-

-

-

-

-

-

ORAL ORDER: (per GB.J.)

Both the Writ Petitions can be disposed of by a common order.

2. Both the Writ Petitions are filed against the interim orders passed by A.P. Administrative Tribunal (for short Tribunal) in M.A.No.2398 of 2004 in O.A.No.12521 of 2004 and M.A.No.2401 of 2004 in O.A.No.1242 of 2004, dated 17.8.2004. The Tribunal passed the following order:

> "Having regard to the facts and circumstances obtaining in this case that the issue has been earlier dealt by this Tribunal at length and given findings in O.A.No.2462 of 1997, dated 8.9.1999, the said order has become final. Be that as it may, fairly a long time has been given to the respondents to implement the orders and prepare the seniority list as per the orders of this Tribunal in O.A.No.2462 of 1997, dated 8.9.1999. Inasmuch as this Tribunal at the stage of admission did restrain itself to concede to the prayer made in this M.A. and enough time of 4 months was granted, nothing appears to have moved in the matter. In the interest of justice, the respondents are directed to promote the applicants to the post of Superintending Engineer in the ensuing vacancies by duly taking into consideration the seniority in the cadre of Assistant Executive Engineers by fixing the same as I.J. Diwakar's batch candidates of Zone-VII as per the directions of this Tribunal in O.A.No.2462 of 1997, dated 8.9.1999 pending disposal of the M.A.".

Aggrieved by the said interim order, the present Writ Petitions have been filed by the parties, who are not parties before the Tribunal.

3. Now the entire scenario has been changed. It is brought to the notice of this

Court that the case of both the petitioners was considered and the orders were issued by the Government in G.O.RT.No.1397-MA, Municipal Administration & Urban Development Department, dated 14.12.2004 G.O.RT.No.1398-MA, Municipal Administration & Urban Development Department, dated 14.12.2004 promoting them to the post of Superintending Engineer (Public Health) of A.P. Public

Health and Municipal Engineering Services on temporary basis while the applicants who filed the above O.As., are not yet promoted. Under these circumstances, no further orders are necessary in these Writ Petitions.

4. Accordingly both the Writ Petitions are closed. No costs.

(G.BIKSHAPATHY, J.)

30th December, 2004.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary, Municipal Administration &
U.D.Dept.,Govt. of A.P. Secretariat, Hyderabad.
2 The Engineer-in-Chief, Public Health, Hyderabad.

3 The Registrar, A.P. Administrative Tribunal, Hyderabad.

4 2 CCs to G.P. FOR Municipal Administration & Urban Development, High Court of A.P. Hyderabad**.** (OUT)

5 2 CD copies.